

1 STATE OF NEW MEXICO

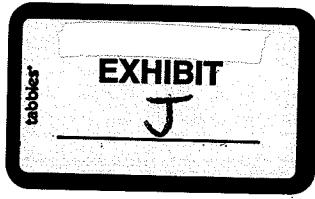
2 COUNTY OF SAN JUAN

3 IN THE DISTRICT COURT

4
5 GARY STRIPLING AND LOUISE)
6 PARTEN,)
7 Plaintiff)
8 VS.) CASE NO. CV-06-625-3
9)
10 SHAUNA, INC., GEORGE AND)
11 SHARI SULIMA, SOLITAIRE)
12 HOMES,)
13 Defendant)
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12 TRANSCRIPTION OF TAPED PROCEEDINGS

13 JANUARY 17, 2008



1 (TIME ON RECORDING: 18:12)

2 THE COURT: Okay. Anything further I
3 need to rule on to clarify the record?

4 MR. CHAVEZ: No, Your Honor, nothing
5 from the defendant.

6 MR. FEFFERMAN: The only other thing I
7 would just ask --

8 MR. CHAVEZ: Yes, Your Honor, there is
9 one other thing.

10 MR. FEFFERMAN: Go ahead.

11 MR. CHAVEZ: And that is, I'd like to
12 renew my argument for the record that the judgment as
13 Shari Sulima, which shouldn't be (Inaudible), with
14 regard to the finding of fraud, that there was no
15 intent, no actual intent by Mrs. Sulima to do
16 anything, because she was not involved in any of the
17 transfers.

18 THE COURT: Again, Mr. Chavez, I'm going
19 to go with the previous ruling, in that it's a
20 corporation; they're doing this as a result, or at
21 least it appears to the Court that this money went
22 into joint accounts accessed by family, again --

23 MR. CHAVEZ: Well, I'm sorry, let me
24 stop you there, because I think that the intent is of
25 the transferee, the one who receives, and the

1 transferor. The transferor is the corporation.
2 Certainly you can find that there's intent there.
3 There's evidence, the Court said that there was
4 evidence of that. There's the transferee, the people
5 who received it, is both George Sulima and his wife,
6 Shari. The Court I think was saying that Mr. Sulima
7 had the intent to receive it, but there's no evidence
8 that Shari had the intent to receive it. So I think
9 as to actual intent to defraud, there's no evidence as
10 to that, as Shari Sulima, as an individual receiving
11 assets from a corporation.

12 THE COURT: Mr. Fefferman, you may
13 respond.

14 MR. FEFFERMAN: I would just note on
15 the 56-10-18-A, the question is what -- it says this
16 transfer is made, et cetera, if the debtor made this
17 transfer, incurred this obligation, number one, with
18 intent, actual intent to hinder. So it's the debtor,
19 which was Shauna, Inc.'s intent that is considered,
20 not Mr. Sulima or Mrs. Sulima's intent.

21 THE COURT: Yes, I concede.

22 MR. FEFFERMAN: Yeah.

23 THE COURT: And I did find that the
24 company, Shauna, Inc., intended to defraud, to hinder
25 delay, or defraud.

1 MR. FEFFERMAN: The only other point I
2 would have, just in terms of the record, is when we
3 originally put the exhibit book together, there were
4 some exhibits that they weren't able to consent to,
5 but I think in his opening Mr. Chavez acknowledged
6 that he didn't have any objections, and I just would
7 want to clarify that the exhibit books we have with
8 all the exhibits are part of the record and are
9 admitted.

10 THE COURT: The Court has used them. I
11 know they were never officially offered, but when I
12 asked that question at the beginning, I believe most
13 were stipulated to. Are there any particular
14 exhibits, Mr. Chavez, that you did not stipulate to
15 that you wanted argued about for the record at this
16 point?

17 MR. CHAVEZ: The letter? No, no.
18 (Laughter) No, no. And it's already on the record
19 that we need the other -- the other, the previous
20 case, as part of the record.

21 THE COURT: Yes, and I have made that
22 part of the record. And I don't know if we -- if I
23 will do that, I'll just reference it, or if we will
24 have to include the entire files for the record. Do
25 you guys want the binders back? I'm sure they're not

1 going to want to keep them in the evidence room.

2 MR. CHAVEZ: I don't want them.

3 MR. FEFFERMAN: Well, we put all of that
4 together and paid for it, but, I mean, I --

5 THE COURT: Usually I think that we
6 don't want to keep them.

7 MR. FEFFERMAN: -- those are the Court's
8 exhibits.

9 THE COURT: Right. No, I understand
10 that, we have to keep the content.

11 MR. FEFFERMAN: Yeah.

12 THE COURT: But I don't know that we
13 will want to keep the binders.

14 MR. FEFFERMAN: Oh, the binders? Sure.

15 THE COURT: The binders, right? Or do
16 we have to keep them?

17 UNIDENTIFIED PERSON: (Inaudible).

18 THE COURT: They're going to be in
19 numbers. And you're right, and also throughout the
20 hearing we did reference Binder Six and binder,
21 so --. I do appreciate everybody's professionalism,
22 and we will go off the record at this time.

23 MR. FEFFERMAN: Thank you, Your Honor.

24 THE COURT: Thank you.

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1 REPORTER'S CERTIFICATION OF TAPE

2 TRANSCRIPTION OF HEARING ON JANUARY 17, 2008

3
4 I, Arlene Childress, a Certified
5 Shorthand Reporter in and for the State of Texas,
6 hereby certify to the following based on
7 representations made on the tape and in writing:

8 That the transcript of the tape of the
9 hearing is a true record of the testimony contained on
10 the tape, to the best of my ability;

11 I further certify that I am neither
12 counsel for, related to, nor employed by any of the
13 parties in the action in which this proceeding was
14 taken, and further that I am not financially or
15 otherwise interested in the outcome of the action.

16 Witness my hand this 22nd day of September, 2009.

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Arlene Childress

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